

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Request for Waiver filed by	)	
	)	
Gainesville Independent School District	)	
Gainesville, Texas	)	File No. SLD-195981
	)	
Schools and Libraries Universal Service Support	)	
Mechanism	)	CC Docket No. 02-6
	)	

**ORDER**

**Adopted: April 13, 2005**

**Released: April 13, 2005**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Waiver filed by Gainesville Independent School District, Gainesville, Texas (Gainesville).<sup>1</sup> Gainesville seeks a waiver of the Form 471 filing deadline established by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) for Program Funding Year 2000. For the reasons set forth below, we grant the Request for Waiver and remand the application to SLD for further processing.

2. Commission's rules require applicants to file a completed FCC Form 471 by the filing window deadline to be considered timely filed pursuant to the funding priorities for in-window applicants.<sup>2</sup> The last day of the filing window for Funding Year 2000 was January 19, 2000.<sup>3</sup> However, due to problems with the Administrator's computer system during the last day of the filing window of Funding Year 2000, the Commission directed the Administrator to ensure that certain applications filed electronically after the filing window closed were considered as filed in a timely manner.<sup>4</sup> Specifically, in the *Year 3 Server Failure Order*, the Commission stated that applicants would be granted a limited waiver to have their applications considered as timely filed within the priority filing window if they met two criteria.<sup>5</sup> First, the applicants had to have started the electronic application process on or before January 19, 2000, and must have tried to complete the application on January 19, 2000.<sup>6</sup> Second, applicants had

<sup>1</sup>Letter from Sherian Keeling, Gainesville Independent School District, to Federal Communications Commission, filed June 30, 2000 (Request for Waiver). 47 C.F.R. § 1.3.

<sup>2</sup>47 C.F.R. §§ 54.504(c), 54.507(g).

<sup>3</sup>*Id.* The deadline for Funding Year 2000 applications was January 19, 2000. See SLD website, <[www.sl.universalservice.org/whatsnew/1999/111999.asp](http://www.sl.universalservice.org/whatsnew/1999/111999.asp)>.

<sup>4</sup>*Federal-State Joint Board on Universal Service, Year 3 Filing Window*, CC Docket No. 96-45, Order, 15 FCC Rcd 13932 (2000) (*Year 3 Server Failure Order*).

<sup>5</sup>*Year 3 Server Failure Order*, 15 FCC Rcd at 13935, paras. 8-9.

<sup>6</sup>*Id.*

to have either completed the application on January 20, 2000, or taken “steps to inform SLD . . . of their inability to access SLD’s Internet site to complete their applications” by the end of the day on January 20, 2000.<sup>7</sup> In the latter case, applicants were given until July 21, 2000 to complete the applications.<sup>8</sup>

3. Gainesville requests a Waiver of the Funding Year 2000 application window. Gainesville has provided evidence in its Waiver Request that it attempted to electronically file its application on January 19, 2000, and that it took steps to inform SLD that it was unable to complete its application on January 19, 2000 due to problems with SLD’s Internet site.<sup>9</sup> We therefore grant Gainesville’s Request for Waiver and remand its application to SLD for further processing.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Waiver filed by Gainesville Independent School District, Gainesville, Texas, on June 30, 2000, IS GRANTED and REMANDED to SLD for further processing in accordance with this Order.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson  
Deputy Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>7</sup>*Id.*

<sup>8</sup>*See Id.*, 15 FCC Rcd at 13935, para. 9 (allowing applicants to submit applications within thirty days of the release date of the Order) (released June 8, 2000).

<sup>9</sup>*See* Request for Waiver. As evidence that Gainesville was in the process of electronically filing its FCC Form 471 on January 19, 2000, Gainesville provided screen printouts of its filled out electronic form, with a computer-generated printout date of January 19, 2000 on a banner at the bottom of the page. *See* Request for Waiver. The Common Carrier Bureau (now Wireline Competition Bureau) has held that such electronic date stamps constitute evidence of when a printout was generated. *See Request for Review by Nashua Public Library, Hudson Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File Nos. SLD-187440, SLD-185751, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 21267, 21270, paras. 7-8 (Com. Car. Bur. 2001). In addition, Gainesville informed SLD that it was unable to file its application electronically on January 19, 2000, and it filed its completed application on January 21, 2000. *See* Letter from Sherian Keeling, Gainesville Independent School District, to Universal Service Administrative Company, dated January 19, 2000.